

Application No.: 10/618,307
Art Unit: 3679

Attorney Docket No. 23166.00
Confirmation No. 4753

REMARKS

By the present amendment, Applicant has cancelled Claims 1-6 and added claim 7. Claim 7 remains pending in the present application. Claim 7 is the only independent claim.

In the recent Office Action, Claims 1 and 4 were objected to because the word "rolled" as recited therein had unclear meaning. The Examiner rejected Claims 1-3 under 35 U.S.C. § 102(b) as being anticipated by Grossman (U.S. Patent No. 4,881,553). Claims 1, 2, 4 and 5 were rejected under 35 U.S.C. § 102(b) as being anticipated by Miller (US 3,574,312). Claims 3 and 6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Miller in view of Hwang (GB 2,238,303).

The cancellation of Claims 1-6 and the introduction of Claim 7 by the present amendment serves to render grounds of objection moot. With regard to the prior art grounds of rejection, Applicant will advance arguments hereinbelow to illustrate the manner in which the invention defined by the newly introduced claim is patentably distinguishable from the cited and applied prior art. Reconsideration of the present application is respectfully requested.

Applicant's invention is a sleeve for easily and quickly sealing the open end of a pipe or conduit, which pipe or conduit might be temporarily open for maintenance and the like. As now presented in new independent Claim 7, the invention includes, in part, a pipe having an open end and a one-piece body defining an enclosure removably positioned on the open end. The one-piece body is described as being fabricated from latex material and having an open bottom and closed top. A ribbed portion defines the open bottom and a reinforced portion defines the closed top

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In contrast, the reference to Grossman is drawn to a contraceptive device designed to enhance a sense of feel and stimulation for sexual pleasure. The contraceptive device would not hold up in an environment that involves pipes adapted to convey fluids. The patent to Miller relates to a closure member that may be employed as a cap or a plug. The Miller member is made of polyvinyl chloride and would therefore lack the flexibility of latex. Miller does not contemplate providing a reinforced top portion. The deficiencies of Miller are not remedied by the teachings of Hwang. Hwang discloses a lid for a beverage cup. Although fabricated from latex, the lid has no reinforced portion at the top. In fact, the Hwang reference teaches away from providing a seal in that an opening is provided in the top for insertion of a straw. Applicant therefore contends that the Hwang teachings are non-analogous to the teachings of Miller and that the two references cannot be properly combined.. Applicant further contends that the prior art fails to disclose or reasonably suggest the structural combination as now recited in the new Claim 7. In light of the realistic teachings afforded by the references of record, one of ordinary skill in the art would not be able to arrive at the presently claimed invention without the benefit of Applicant's own disclosure. Applicant respectfully submits that for at least these reasons, Claim 7 is allowable over the prior art applied of record.

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For the foregoing reasons, Applicant respectfully submits that the present application is in condition for allowance. If such is not the case, the Examiner is requested to kindly contact the undersigned in an effort to satisfactorily conclude the prosecution of this application.

Respectfully submitted,



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